

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

SEALED

INDICTMENT

-v-

ADRIAN BUSBY,

Defendant.

11 Cr
11 CRIM 370

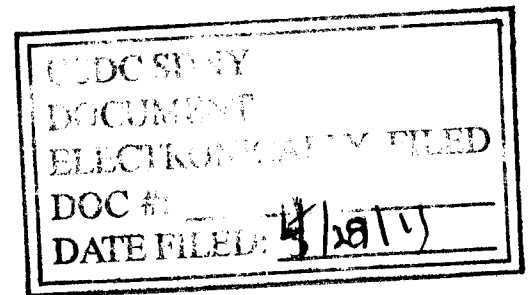
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COUNT ONE

(False Statement)

The Grand Jury charges:

Background



1. ADRIAN BUSBY, the defendant, has been a Special Agent with the Federal Bureau of Investigation (the "FBI") since on or about June 11, 2006. For all times relevant to this Indictment, BUSBY was assigned to a squad within the FBI's New York Division, in New York, New York.

2. In connection with his employment with the FBI, ADRIAN BUSBY, the defendant, agreed to comply with numerous requirements related to being an FBI agent. Specifically, in his "FBI Employment Agreement," BUSBY agreed in writing to adhere to various employment conditions, including one which read, "I will not reveal, by any means, any information or material from or related to FBI files or any other information acquired by virtue of my official employment to any unauthorized recipient without official written authorization of the FBI." In addition, in a

signed letter to the FBI Director, BUSBY agreed to various additional conditions of his employment, including the promise, "[t]hat I will never divulge, publish, produce, disclose, or reveal, by oral, written, or electronic word, or conduct, or by other means to any unauthorized recipient, without official written authorization by the Director of the FBI or delegate, any information or material from or relating to FBI files or any other information acquired by virtue of my official employment, duties or status."

3. Beginning in or about late 2007, ADRIAN BUSBY, the defendant, was assigned to serve as the FBI case agent in a mortgage fraud investigation being conducted in the Eastern District of New York. In connection with this investigation, on or about January 10, 2008, BUSBY sought and received official authorization to utilize an individual related to this mortgage fraud investigation as an FBI confidential source of information (the "Confidential Source"). The Confidential Source was designated as such from on or about January 10, 2008, through on or about September 18, 2008.

4. From in or about 2008 through at least in or about 2009, ADRIAN BUSBY, the defendant, engaged in an intimate, sexual relationship with the Confidential Source. On or about February 5, 2008, the Confidential Source was arrested by the New York City Police Department and prosecuted by the Queens County

District Attorney's Office, and BUSBY actively assisted with the Confidential Source's criminal defense. Specifically, BUSBY met with the Confidential Source's criminal defense attorney (the "Defense Attorney") on multiple occasions. During the Confidential Source's trial in or about December 2009, BUSBY met with the Defense Attorney and, in violation of FBI regulations, provided him with confidential, law enforcement-sensitive reports related to the Confidential Source's case ("Reports"), among other documents. On or about December 15, 2009, after a jury trial, the Confidential Source was convicted of identity theft and related charges.

5. Beginning in or about January 2008, and continuing through at least in or about December 2009, ADRIAN BUSBY, the defendant, made numerous false statements regarding the Confidential Source and the steps he took to assist her in connection with her trial. First, on or about January 10, 2008, in a "Confidential Human Source (CHS) Opening Communication," BUSBY falsely stated that the Confidential Source was not the subject or target of any criminal investigation, when in truth and in fact, and as BUSBY well knew, the Confidential Source was the subject or target of an investigation being conducted by the New York City Police Department and the Queens County District Attorney's Office. Second, in a December 22, 2009 FBI report, BUSBY falsely stated that he had not intentionally provided the

Defense Attorney with the Reports when, in truth and in fact, and as BUSBY well knew, BUSBY had intentionally given these reports to the Defense Attorney.

Statutory Allegation

6. On or about January 10, 2008, in the Southern District of New York, ADRIAN BUSBY, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly, did falsify, conceal, and cover up by trick, scheme, and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, in a January 10, 2008 "Confidential Human Source (CHS) Opening Communication," the FBI form in which he requested permission to activate the Confidential Source, BUSBY falsely stated that the Confidential Source was not the "subject or target of a pending criminal investigation," when in truth and in fact, and as BUSBY well knew, the Confidential Source was the subject or target of a pending criminal investigation being conducted by the New York City Police Department and the Queens County District Attorney's Office.

(Title 18, United States Code, Section 1001.)

COUNT TWO

(False Statement)

The Grand Jury further charges:

7. The allegations of paragraphs one through five above are repeated and realleged as though set forth in full in this Count.

8. On or about December 22, 2009, in the Southern District of New York, ADRIAN BUSBY, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly, did falsify, conceal, and cover up by trick, scheme, and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, in an internal FBI report dated December 22, 2009, BUSBY falsely stated, in sum and substance, that he had not intentionally provided the Defense Attorney with any documents, including the Reports, when in truth and in fact, and as BUSBY well knew, he had given the documents, including the Reports, to the Defense Attorney.

(Title 18, United States Code, Section 1001.)


FOREPERSON


PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ADRIAN BUSBY,

Defendant.

SEALED INDICTMENT

11 Cr. ____ (____)

(18 U.S.C. § 1001.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.

4-28-11
NY

Filed Indictment Under Seal A/W
issued

Katz
U.S.M.-J